

Montana Department of Natural Resources and Conservation  
Water Resources Division  
Water Rights Bureau

**ENVIRONMENTAL ASSESSMENT**  
**For Routine Actions with Limited Environmental Impact**

Revised 11-00

Note: Instructions to DNRC staff for preparing this EA can be found at:  
[http://www.dnrc.state.mt.us/eis\\_ea.html](http://www.dnrc.state.mt.us/eis_ea.html)

**Part I. Proposed Action Description**

1. *Applicant/Contact name and address:* Donald F & Bonny L Gay  
PO Box 205  
Fort Peck, MT 59223
2. *Type of action:* Application for Beneficial Water Use Permit No. 40S-30023173
3. *Water source name:* Missouri River
4. *Location affected by action:* NWSWNE, Section 34, T27N, R41E, Valley County
5. *Narrative summary of the proposed project, purpose, action to be taken, and benefits:*  
This project is to pump water out of the Missouri River for lawn & garden use. This application is to add a volume up to 1.25 acre-feet of water annually from April 1<sup>st</sup> to October 31<sup>st</sup> to an existing water right (40S-30007495). The point of diversion and place of use are located in the NWSWNE, Section 34, T27N, R41E. The combined appropriation of both water rights is 25 gpm up to 2.5 acre-feet.

The DNRC shall issue a water use permit if the applicant proves the criteria in 85-2-311, MCA are met.

6. *Agencies consulted during preparation of the Environmental Assessment:*  
*(include agencies with overlapping jurisdiction)*

Montana State Historic Preservation Office  
Montana Natural Heritage Program  
Montana Department of Environmental Quality Website (TMDL 303d Listing)

**Part II. Environmental Review**

1. **Environmental Impact Checklist:**

**PHYSICAL ENVIRONMENT**

## **WATER QUANTITY, QUALITY AND DISTRIBUTION**

**Water quantity** - *Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.*

*Determination:* The Missouri River is not identified as a chronically or periodically dewatered stream by the Montana Department of Fish, Wildlife & Parks. The DFWP has a water reservation on this portion of the Missouri River for 4508 cfs to maintain instream flows. It is very unlikely that the additional volume of 1.25 acre-feet at a pumping rate of 25 gpm would have any impact on the surface water flows.

**Water quality** - *Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.*

*Determination:* The Missouri River is listed on the 1996 Montana 303(d) list as partially supporting aquatic life, recreation and warm water fishery. The probable sources for the impairment are flow regulation, agriculture, municipal point sources, natural sources and streambank modification/destabilization. Part of the lawn and garden use will be to establish vegetation in order to stabilize the riverbank. The applicant will need to acquire a 310 permit from the Valley County Conservation District to develop the pump site. Due to the small size of this appropriation, no significant impact should occur.

**Groundwater** - *Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.*

*Determination:* This surface water appropriation should have no significant impact on groundwater in the area.

**DIVERSION WORKS** - *Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.*

*Determination:* The diversion means consists of a 2 hp pump that will pump water out of the river through a 1 1/2 inch water line to the lot. The water line will be approximately 75 feet long. The Corp of Engineers approves of this type of diversion and it is commonly used around Fort Peck Lake and the Missouri River.

## **UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES**

**Endangered and threatened species** - *Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern," or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or "species of special concern."*

*Determination:* A report received from the Montana Natural Heritage Program indicates there are three species of special concern within the general area of the project. The pallid sturgeon is

as endangered, the shortnose gar and the paddlefish have been classified by the Bureau of Land Management as special status. It is generally believed that the pallid sturgeon have not successfully spawned in the Missouri River, in the reach area of this project, since the construction of Fort Peck Dam due to the altered stream flows and reduced sediment levels. Pallid sturgeon prefer warmer, turbid water.

Due to the small size of the appropriation, the large size of Fort Peck Reservoir and the regulated releases from the dam, it is unlikely that this appropriation would impact the pallid sturgeon, paddlefish and the shortnose gar.

**Wetlands** - *Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.*

*Determination:* No known wetlands exist in the project area.

**Ponds** - *For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.*

*Determination:* Not applicable.

**GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE** - *Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.*

*Determination:* The soil will be temporarily disturbed when the water line is installed. No permanent degradation to soil quality, stability or moisture content is anticipated

**VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS** - *Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.*

*Determination:* The project is located within a subdivision containing numerous home sites. After the water line is installed, lawn will be re-seeded on that portion of the line that is above the high water mark. The control of noxious weeds is the responsibility of the property owner.

**AIR QUALITY** - *Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.*

*Determination:* The pump will be electric and there will be no deterioration of air quality as a result of this appropriation.

**HISTORICAL AND ARCHEOLOGICAL SITES** - *Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project.*

*Determination:* According to the Montana State Historic Preservation Office (SHPO) no cultural resource inventories have been previously conducted within the search area. Based on the lack of the inventories, SHPO recommends that a cultural resource inventory be conducted. As the

project is located on private property, any cultural resource inventory conducted would be at the property owner's discretion.

**DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY -**

*Assess any other impacts on environmental resources of land, water and energy not already addressed.*

*Determination:* No additional impacts on other environmental resources were identified.

<b>HUMAN ENVIRONMENT</b>
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**LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS** - *Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.*

*Determination:* There are no known local environmental plans or goals in this area.

**ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES** - *Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.*

*Determination:* This project will have no significant impact on recreational or wilderness activities.

**HUMAN HEALTH** - *Assess whether the proposed project impacts on human health.*

*Determination:* This project will have no significant impact on human health.

**PRIVATE PROPERTY** - *Assess whether there are any government regulatory impacts on private property rights.*

*Yes\_\_\_ No\_X\_. If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.*

*Determination:* There are no additional government regulatory impacts on private property rights associated with this application.

**OTHER HUMAN ENVIRONMENTAL ISSUES** - *For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.*

*Impacts on:*

(a) Cultural uniqueness and diversity ? No significant impact.

(b) Local and state tax base and tax revenues ? No significant impact.

- (c) Existing land uses ? No significant impact.
- (d) Quantity and distribution of employment ? No significant impact.
- (e) Distribution and density of population and housing ? No significant impact.
- (f) Demands for government services ? No significant impact.
- (g) Industrial and commercial activity ? No significant impact.
- (h) Utilities ? No significant impact.
- (i) Transportation ? No significant impact.
- (j) Safety ? No significant impact.
- (k) Other appropriate social and economic circumstances ? No significant impact.

**2. *Secondary and cumulative impacts on the physical environment and human population:***

Secondary Impacts: No secondary impacts have been identified.

Cumulative Impacts: No cumulative impacts have been identified.

**3. *Describe any mitigation/stipulation measures:* None**

**4. *Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:*** Under the no action alternative, the applicant would not have the benefit of water for their lawn and garden use. The applicant could drill a well and a certificate of water right would be issued, however due to the size of the lot and the proximity of the drain fields, this may not be an option.

## **PART III. Conclusion**

**1. *Preferred Alternative:*** Issue a water use permit if the applicant proves the criteria in 85-2-311, MCA are met.

**2. *Comments and Responses***

**3. *Finding:***  
Based on the significance criteria evaluated in this EA, is an EIS required? No

*If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action:* No significant impacts have been identified, therefore an EIS is not necessary.

*Name of person(s) responsible for preparation of EA:*

*Name:* Denise Biggar

*Title:* Water Resources Specialist

*Date:* October 6, 2006